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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
CHRISTOPHE FRINGANT, ET AL. : EXAMINER: MICHAEL PEPITONE  
SERIAL NO: 10/572,944 :  
FILED: OCTOBER 13, 2006 : GROUP ART UNIT: 1767  
FOR: POLYMER COMPOSITION :

REPLY BRIEF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a Reply Brief in response to the Examiner's Answer dated December 13, 2010.

VII. ARGUMENT

Grounds A, B and C

In each Ground of rejection the Examiner cites Padget et al. (EP 0185464) as the primary reference. Denk et al. (U.S. 2,971,948), Thames et al. (U.S. 6,599,972) and Behr et al. (U.S. 6,365,769) are each cited as showing the presence of functional monomers which the Examiner without a rational basis, alleges one of ordinary skill in the art would selectively incorporate into the B copolymer of the Padget composition.

Padget is directed to a contact adhesive (Abstract), wherein homogeneity of the adhesive composition layer is sought in order to effectively bond two substrates together. In such adhesive layer between two substrates, migration of components to selective regions of the bond layer may adversely affect the adhesive bond strength. In description of his

composition, Padget never discloses or suggests selective location of either copolymer A or B in the adhesive layer. In fact, Appellants submit that by description of contactability (page 1, lines 10-16), zero crystallinity (page 6, lines 25-32), latent cross-linking functionality of unsaturated carboxylic acids (page 15, lines 25-29) and an embodiment wherein at least one tackifying resin is present (page 20, lines 29-32), Padget is prescribing an adhesive layer which is homogeneous in composition.

In contrast, Appellants have described that the coating layer obtained according to the invention, wherein the oligomer (O1) contains the functional moiety is characterized by a gradation of the components in the coating layer (page 32). Appellants described such structure as the objective of the invention (page 2, lines 4-6).

Throughout his description of the contact adhesive composition and specifically the compositions of copolymers A and B, Padget equally indicates the presence of other monomers, including unsaturated carboxylic acids, in both copolymers. Nowhere is there disclosure, suggestion or motivation provided which would have led one of ordinary skill in the art at the time of the invention, to selectively choose the low molecular weight copolymer for incorporation of the functional moiety component.

Appellants further submit that as indicated by the present invention, such selective incorporation of the functional moiety into the Padget composition could effectively lead to the component migration described by the present invention, thus providing a coating which is not effective as a contact adhesive, thus rendering the Padget composition unfit for its intended purpose or changing its principle of operation.


Appellants submit that the Examiner has improperly alleged obviousness in hindsight of the present invention and has not provided any rational basis for the combinations alleged to be obvious, where only the Padget copolymer B is incorporated with the functional moiety.

CONCLUSION

Therefore, for all the reasons listed in the Appeal Brief filed September 23, 2010, and in view of the above remarks, Appellants respectfully request that all outstanding rejections of the pending claims be reversed.

Respectfully submitted,

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